

REMARKS

Information Disclosure Statement

An Information Disclosure Statement is submitted herewith to secure a listing of the references cited in the International Search Report on the face of any patent issuing from this application. It is to be noted that the documents were already in the file of this application upon filing the National Stage documents as indicated in the Notice of Acceptance mailed October 26, 2001.

Specification

Subject matter headings have been provided in the specification and the specification otherwise has been amended in minor respects to improve the English syntax or to provide antecedent basis for terms used in the claims of the application.

Amendments to Claims

The claims have been amended to remove informalities noted by the Examiner and to redefine subject matter to be encompassed by the claims.

Claim 1 has been amended to specifically recite that the panels mesh on their edges by means of a tongue and groove joint either directly or by means of an inserted element (e.g., spline).

It is respectfully submitted that claim 1 as-amended is fully patentable over Gwyther (U.S. 4,395,858).

The panel mounting system of Gwyther does not disclose panel holders that enable panels to be engaged or meshed on their edges by means of a tongue and groove joint. The benefit of a tongue and groove joint is apparent from viewing ENCLOSURE A appended hereto. An overlap joint connection such as disclosed in Gwyther permits one panel to sag and separate slightly from an adjacent panel between the support holders so that there is a visual unevenness and possibly gaps between the panels created by such sagging. A tongue and groove connection between the panels secured by the holders prevents such separation between the holders.

Claim 52 essentially corresponds to claim 16 which was indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 49 recites a method for installing a covering formed of panels which are provided with a tongue and a groove on opposite edges and it is respectfully submitted that Gwyther does not disclose or teach a tongue and groove coupling between adjacent panels because there is no tongue and groove feature in the normally accepted sense in the structure disclosed by Gwyther. The panels of Gwyther overlap each other such that a lip fits beneath a lip of an adjacent panel in the manner of a scarf joint. This does not correspond to the coupling between a tongue and a groove, because there is no groove in the panels of Gwyther. To avoid any possibility of misinterpretation of a tongue and groove structure as recited in claim 49, the claim has been amended to specifically recite that when the panels are coupled together, a tongue is inserted in a respective groove. The benefit of such a tongue and groove connection in combination with the recited holders has been discussed previously.

Claim 59 is a new independent claim reciting fixing parts having laterally bendable portions enabling a panel to be disconnected from an adjacent panel by moving the panel in a direction parallel to the covering with bending of a bendable fixing part. This structure provides a very stable suspension of panels, without losing the possibility and advantage of removing panels from in between other panels. The locking surfaces may be parallel with the plane of the panels or may be slightly inclined with respect to the plane without affecting the ability of the panels to be disconnected. By using horizontal locking surfaces, the panels cannot become disconnected by vertical loads, an advantage not available with the panel mounting assembly according to Gwyther.

Claim 64 corresponds to canceled claim 46, with additional recitation of the form of the strips constituting the holders for the panels, whereby the strips are recited as being flat and thin, as illustrated, for example, in Figure 39. It is respectfully submitted that Gwyther fails to disclose or teach such structure.

It is respectfully submitted that the independent claims as-amended are fully

patentably distinguishable over any and all of the prior art of record and that withdrawal of the rejection of the claims is warranted.

With regard to the rejection of claims 1 and 5 in view of Pervan (U.S. 6,516,579), is it noted that the only "fixing means" disclosed in Pervan is constituted of metallic strips 6 secured to the bottom one of the connected panels that provides an interlock against separation between panels in a direction parallel to the plane of the panels without use of a tongue and groove connection of the kind disclosed and claimed in amended claim 1. Indeed, the joint disclosed in Pervan is a scarf joint wherein a lip (30) of one panel is located beneath an upper lip of an adjacent panel. The Pervan patent does not disclose a tongue and groove meshing between panels with a tongue located in a groove.

With regard to claim 5, it is to be noted that the metal strip 6 of Pervan is not fixable on a base, but instead is fixable only on the underside of an adjacent panel.

With regard to the rejection of claim 1 as anticipated by Whitehouse et al. (U.S. 6,421,974), again it is pointed out that the joint between panels disclosed by Whitehouse corresponds to an overlapping scarf type joint connection disclosed by Gwyther and Pervan. In these type of joints, separation of a panel relative to an adjacent panel in a direction perpendicular to the panel may occur between holders with a resultant unattractive gap or unevenness between panels. The tongue and groove connection as recited in claim 1 prevents the panels from separating from each other along the meshed tongue and groove connection.

Accordingly, it is respectfully submitted that withdrawal of the rejection of claims 1, 37 and 38 as anticipated by Whitehouse et al. is warranted.

With regard to the rejection of claims 1 and 27 as anticipated by Watanabe (U.S. 6,266,397), the comments above with regard to Gwyther, Pervan and Whitehouse et al. are relevant. The panels of Watanabe do not mesh by means of a tongue and groove joint as recited in claim 1. Accordingly, withdrawal of the rejection of claims 1 and 27 is warranted and the same is respectfully requested.

With regard to the rejection of claims 34 and 35 as unpatentable over Gwyther in view of Mosch (U.S. 4,546,587), claim 34 essentially has been incorporated into claim

1, to the extent that an inserted element may be used to establish the tongue and groove meshing between panel edges. Also, it is noted that Mosch, while showing splines between mounted panels, does not disclose how the panels can be separated from their respective holders and removed without interference with the panels which are located in the adjacent rows on either side. Thus, it is not seen how the Examiner envisions the modification of Gwyther to produce a teaching that the panels of Gwyther somehow could be connected by splines or a tongue and groove connection. The panels of Mosch are locked in place by the holder feet (3) and as such cannot be separated from their respective holders and removed without interference with the panels that are located in the adjacent rows on either side. The clamping spring feet (3) simply are not arranged to permit displacement of individual panels so as to enable them to be separated from adjacent panels. Accordingly, it is respectfully submitted that the combined teachings of Gwyther and Mosch are not readily combinable as suggested to establish obviousness of claims 1 and 35, thereby warranting withdrawal of the rejection of these claims in view of these documents.

With regard to the rejection of claims 40 and 41 as reciting obvious subject matter in view of the teachings of Gwyther and Pervan, it is respectfully submitted that this rejection no longer applies in view of the recitation in claim 1, from which claims 40 and 41 depend, of a meshing of the panels on their edges by means of a tongue and groove joint. Moreover, with regard to claims 40/52 and 31/52, it is to be noted that the comments made previously with regard to the patentability of claim 52 points out the novel and unobvious aspects of claims 40 and 41 as presently amended.

With regard to the rejection of claim 35 based on obviousness in view of Gwyther, it is respectfully submitted that the amendments to claims 1 and 52 from which claim 45 now depends establishes non-obviousness and novelty of claim 45 over Gwyther.

Serial Number: 09/869,299
Group Art Unit: 3635

The Examiner's detailed consideration of the claims of this application and the detailed explanation of the bases for the rejections of the claims is appreciated. The amendments to the claims and the comments submitted herein, on the other hand, are believed to establish the patentability of the claims over all of the cited prior art considered individually or in combination with one another.

Respectfully submitted,
BACON & THOMAS, PLLC



J. ERNEST KENNEY
Attorney for Applicant
Registration No. 19,179

Date: August 25, 2003

Customer **23364**

BACON & THOMAS, PLLC
625 Slaters Lane - 4th Floor
Alexandria, VA 22314-1176
Telephone: (703) 683-0500
Facsimile: (703) 683-1080

S:\Producer\jek\CAPPELLE - 869299\amendment.wpd